



IDAHO FISH & GAME

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Jim Luke
WSR file '04

RECEIVED
JUL 02 2004
DEPARTMENT OF
WATER RESOURCES

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

June 30, 2004

Preston Bell
PO Box 56
Moore, ID 83255

Re: Beaver dams on Antelope Creek in the Big Lost Valley

Dear Mr. Bell:

Idaho Department of Fish and Game (IDFG) received a copy of your May 28th letter to Idaho Department of Water Resources (IDWR) expressing concern with beaver dams on Antelope Creek potentially injuring downstream water rights. State statute 36:1107 indicates a designee of the IDFG Director may remove the dams if IDWR determines that downstream water rights are being injured. The Attorney General's office has indicated IDFG should request a court injunction before removing any dams on properties where the owners do not want the dams removed. Also, the Army Corps of Engineers has jurisdiction on beaver dams that have been in place for more than one year. A permit from the Army Corps of Engineers is necessary before most, if not all, the dams could be removed.

It is our understanding that IDWR is currently trying to determine land ownership where the dams exist before taking other action. IDFG will wait for a determination if water rights are being injured before considering removing the dams.

We understand your need for water, especially during these dry years. Please contact Don Kemner of our staff at (208) 334-2920 if you have any questions.

Sincerely,

Jim Unsworth
Chief, Bureau of Wildlife

cc: Karl J. Dreyer, IDWR
Trilby McAfee